

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 78047

Qi Miao Chen  
Sichuan Taste

10 Scott Adam Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 14, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 21-19-103, failure to cease the delivery of unsolicited advertising circular from commercial property known as 10 Scott Adam Road, 21030.

On June 14, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Robyn Clark issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,500.00 (one thousand five hundred dollars).

The following persons appeared for the Hearing and testified: Mr. Qi Miao Chen, Respondent and Owner, with David Chow, translator and, Robyn Clark, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, to a Respondent who was given a prior verbal warning to correct a violation but did not follow the warning. BCC Section 3-6-205. Inspector Robyn Clark testified that violations recurred even after she visited Respondent's restaurant several times and delivered copies of the new law restricting distribution of advertising circulars, and explained the law's requirements to the restaurant manager.

B. Respondent Chen owns the Sichuan Taste restaurant. Inspector Clark testified that a resident of a nearby apartment complex has repeatedly complained to Baltimore County about receiving deliveries of unsolicited advertising circulars from Respondent's restaurant that do not comply with legal requirements. Inspector Clark testified that the Department wants Respondent either to include the required information on the flyer and stop deliveries where requested, or limit distribution of circulars to twice a year as permitted by County law.

C. BCC Section 21-19-102 provides that restrictions apply to a publisher that delivers more than one unsolicited advertising circular to a residential address within any six month period. The applicable restrictions are a requirement that the circular include the statement "If you do not wish to receive this publication, please call the following number" and provide a toll-free or local telephone number that a resident may call to notify that the resident no longer wishes to receive the unsolicited advertising circular; after seven days following receipt of such notification, circulars may not be delivered to the resident's address. BCC Section 21-19-103. The evidence presented shows that Respondent has violated these requirements by distributing unsolicited advertising circulars on four separate occasions that do not contain the required statement and contact number for requesting non-delivery.

D. Respondent Chen, with assistance from Mr. Chow for translation, testified that he will comply with the County's law. Mr. Chow was given a copy of the law to assist in explaining the requirements. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspection between the date of this Order and September 1, 2010, finds the violation corrected.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 15<sup>th</sup> day of July 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.